

THE GENERAL ASSEMBLY OF PENNSYLVANIA

SENATE BILL

No. 1388 Session of
2014

INTRODUCED BY FOLMER, ERICKSON, MENSCH AND SCARNATI,
MAY 30, 2014

REFERRED TO EDUCATION, MAY 30, 2014

AN ACT

1 Amending the act of March 10, 1949 (P.L.30, No.14), entitled "An
2 act relating to the public school system, including certain
3 provisions applicable as well to private and parochial
4 schools; amending, revising, consolidating and changing the
5 laws relating thereto," repealing provisions relating to
6 report of racial and ethnic groupings, to study of public
7 schools that provide Internet instruction, to corporate seal,
8 to submission of plans, to approval of plans, to disapproval
9 of plans, to Department of Public Instruction to prepare
10 plans, to establishment of reorganized school districts, to
11 advance establishment, to special school watchmen-school
12 districts in townships of the second class, to copies of
13 school laws, to educational broadcasting, to residences for
14 teachers and janitors, to heating stoves to be shielded, to
15 ventilation and thermometer, to fireproof construction, to
16 doors to open outward and fire escapes, etc., to water-
17 closets and out-houses, to completion of abandoned WPA
18 projects, districts of the third and fourth class, to
19 condition of grounds and shade trees, to summer schools,
20 etc., to possession of telephone pagers prohibited, to
21 nonprofit school food program, to antitruancy programs, to
22 medical care for children under six with defective hearing,
23 to report, to care and treatment of pupils and to local
24 wellness policy; further providing for fire and emergency
25 evacuation drills; repealing provisions relating to foreign
26 language academies, to monthly reports to school directors in
27 districts second, third and fourth class, to alcohol,
28 chemical and tobacco abuse program, to read to succeed, to
29 reporting, to department duties and powers; further providing
30 for duties of State Board for Vocational Education and
31 reports; repealing provisions related to schools or classes,
32 supervisors, principals, instructors and etc., to estimate of
33 expenses and reimbursements and appropriations and to
34 teachers of evening schools; further providing for powers and

1 duties of the board of trustees; repealing provisions related
2 to annual report, to duties of public institutions of higher
3 education, to medical education loan assistance, to special
4 study on the revenue impact of out-of-State tax credits, and
5 to powers and duties of the board and to reports and
6 recommendations.

7 The General Assembly of the Commonwealth of Pennsylvania
8 hereby enacts as follows:

9 Section 1. Section 112 of the act of March 10, 1949 (P.L.30,
10 No.14), known as the Public School Code of 1949, added June 7,
11 1993 (P.L.49, No.16), is repealed:

12 [Section 112. Report of Racial and Ethnic Groupings.--The
13 Department of Education shall conduct a thorough review of the
14 1991-1992 PennData report "Statistical Summary for 1991-1992"
15 and identify those school districts that have special education
16 enrollments whose gender and ethnic representation exceeds by
17 five percent (5%) the gender and ethnic makeup of the student
18 population for the 1991-1992 school year. The Department of
19 Education shall report to the Committee on Education in the
20 Senate and the Committee on Education in the House of
21 Representatives by October 1993 the findings of the review by
22 the Department of Education, an outline of what further
23 investigative steps should be taken, recommendations for
24 appropriate actions to be taken by the Department of Education
25 and any technical assistance services to be provided by the
26 Department of Education to school districts.]

27 Section 2. Section 113 of the act, added June 22, 2001
28 (P.L.530, No.35), is repealed:

29 [Section 113. Study of Public Schools that Provide Internet
30 Instruction.--(a) The Department of Education shall conduct a
31 study of public schools that provide instruction primarily
32 through the Internet. The study shall include:

33 (1) a review of academic accountability methods and systems;

1 (2) a summary of governance structures, approval processes
2 and oversight mechanisms of each public school that provides
3 instruction primarily through the Internet;

4 (3) an analysis and verification of the actual and
5 reasonable instructional cost per student for each public school
6 that provides instruction primarily through the Internet; and

7 (4) recommendations regarding funding alternatives.

8 (b) The Department of Education shall prepare a report that
9 includes its findings and recommendations from the study and
10 shall provide the report to the chairman and the minority
11 chairman of the Education Committee of the Senate and the
12 chairman and minority chairman of the Education Committee of the
13 House of Representatives by October 30, 2001.

14 (c) In the event that the report required under subsection
15 (b) is not provided by October 30, 2001, no school district
16 shall pay to any public school that provides instruction
17 primarily through the Internet an amount to exceed two thousand
18 dollars (\$2,000) per resident student enrolled.]

19 Section 3. Section 212 of the act is repealed:

20 [Section 212. Corporate Seal.--Each school district in this
21 Commonwealth may, by a majority vote of the members of the board
22 of school directors of such district, adopt a corporate seal for
23 the use of said district. The seal shall have engraved thereon
24 the following: "School District of,
25 Pennsylvania," and such other inscription or design as the board
26 of school directors may direct.]

27 Section 4. Sections 292, 293, 294 and 295 of the act, added
28 August 8, 1963 (P.L.564, No.299), are repealed:

29 [Section 292. Submission of Plans.--Each county board of
30 school directors, on or before July 1, 1964, shall prepare a

1 plan of organization of administrative units for the county,
2 conforming to the standards for approval of administrative units
3 adopted by the State Board of Education. The plan shall be
4 submitted to the Department of Public Instruction not less than
5 thirty (30) days nor more than sixty (60) days after it is
6 prepared. Any school district which considers itself aggrieved
7 by the plan may set forth its specific objections in a petition
8 which shall be served by registered or certified mail on the
9 secretary of the county board of school directors. All such
10 petitions filed shall be appended to the plan prior to
11 submission to the Department of Public Instruction. No plan of
12 organization of administrative units shall be submitted which
13 violates any written agreement entered into by several school
14 districts for the establishment of a joint school or department,
15 unless the agreement is amended to provide that it shall be
16 discontinued at the time the proposed administrative unit is
17 deemed established as a school district. A plan of organization
18 of administrative units shall be deemed to violate a written
19 agreement entered into by several school districts for the
20 establishment of a joint school or department only when it
21 formulates an administrative unit, which in whole or in part
22 comprises less than all of the school districts joined by such
23 agreement. In preparing its plans, a county board of school
24 directors shall confer with school directors and administrators
25 of all school districts of the county, and may confer with the
26 staff of the Department of Public Instruction and upon written
27 request shall confer with other interested persons. Each plan
28 shall assure the continuity of special education and area
29 technical school programs by providing special education and
30 area technical school attendance areas established in accordance

1 with standards approved by the State Board of Education.

2 Each county board of school directors which prepared and
3 submitted to the Department of Public Instruction prior to
4 January 1, 1963, a plan of organization of administrative units
5 for the county, shall, in compliance with the provisions hereof,
6 reconsider such plan and submit the same or a revised plan on or
7 before July 1, 1964, irrespective of the action taken on the
8 prior plan. In those cases where the prior plan was approved by
9 the State Council of Education, the plan submitted when approved
10 by the Council of Basic Education shall supersede the prior
11 approved plan as the plan of organization of administrative
12 units for the county.

13 Section 293. Approval of Plans.--(a) When any plan of
14 organization of administrative units for a county is found to
15 conform to the standards for approval of administrative units
16 adopted by the State Board of Education, the Department of
17 Public Instruction shall cause such plan to be placed upon the
18 agenda of the Council of Basic Education. The Council of Basic
19 Education shall review all plans placed upon its agenda, and
20 approve such plans as it deems wise in the best interests of the
21 educational system of the Commonwealth. Except as hereinafter
22 provided, no plan of organization of administrative units shall
23 be approved in which any proposed school district contains a
24 pupil population of less than four thousand (4,000), unless when
25 factors of topography, pupil population, community
26 characteristics, transportation of pupils, use of existing
27 school buildings, existing administrative units, potential
28 population changes and the capability of providing a
29 comprehensive program of education are considered by the Council
30 of Basic Education as requiring the approval of a plan of

1 organization of administrative units in which one or more
2 proposed school districts contains a pupil population of less
3 than four thousand (4,000). (b) A plan of organization of
4 administrative units for a county shall be approved by the
5 Council of Basic Education, if the plan contains (i) no unit
6 with a pupil population less than that of the unit with the
7 smallest pupil population in the last previous county-wide plan
8 submitted to and approved by the State Council of Education
9 prior to September 12, 1961, and (ii) no more units than were in
10 the aforesaid county-wide plan plus an additional unit for each
11 second class district which was not required to be a part of
12 such county-wide plan and which was not included in an
13 administrative unit thereof. (c) Pupil population as used in
14 this section shall mean the average daily membership for the
15 school year 1961-1962 including kindergarten or grade one
16 through grade twelve.

17 Section 294. Disapproval of Plans.--When any plan of
18 organization of administrative units for a county is disapproved
19 by the Council of Basic Education, it shall be returned to the
20 county board of school directors which submitted the plan for
21 reconsideration, amendment and resubmission in accordance with
22 the recommendations of the Council of Basic Education.

23 Section 295. Department of Public Instruction to Prepare
24 Plans.--In the event that no plan of organization of
25 administrative units is approved by the Council of Basic
26 Education for a county prior to January 1, 1965, the Department
27 of Public Instruction shall prepare and place upon the agenda of
28 the Council of Basic Education a plan of organization of
29 administrative units for the county. When approved by the
30 Council of Basic Education, such plan shall be deemed the

1 approved plan of organization of administrative units for the
2 county.

3 Any school district which considers itself aggrieved by a
4 plan of organization of administrative units approved by the
5 Council of Basic Education may appeal to the State Board of
6 Education by filing a petition, within thirty (30) days after
7 approval of the plan, setting forth the grounds for such appeal.
8 A copy of such petition shall be served by registered or
9 certified mail on the secretary of the county board of school
10 directors. The State Board of Education, or its representative,
11 shall fix a day and time for hearing, shall give written notice
12 to all parties interested, and may hear and consider such
13 testimony as it may deem advisable to enable it to make a
14 decision. After reaching its decision, the State Board of
15 Education shall enter such order as appears to it just and
16 proper, either directing the Council of Basic Education to
17 approve the plan in an amended form or confirming the plan in
18 the form previously approved by the Council of Basic Education.
19 The decision of the State Board of Education shall be final,
20 unless an appeal is taken as now provided under the provisions
21 of the "Administrative Agency Law."]

22 Section 5. Section 296 of the act, amended June 2, 1965
23 (P.L.86, No.59), is repealed:

24 [Section 296. Establishment of Reorganized School
25 Districts.--On July 1, 1966, or on the date of advance
26 establishment, all administrative units contained in plans of
27 organization of administrative units approved by the Council of
28 Basic Education shall constitute and be deemed established as
29 school districts, and shall belong to the class to which they
30 are entitled as provided by law: Provided, however, if any

1 approved administrative unit includes any district or districts
2 of the second, third, or fourth class with any district of the
3 first class A, such district or districts of the second, third,
4 or fourth class shall be merged into and become part of said
5 district of the first class A, and said district of the first
6 class A as thus enlarged shall be the reorganized district and
7 shall be considered as having had continued existence.]

8 Section 6. Section 297 of the act, added August 8, 1963
9 (P.L.564, No.299), is repealed:

10 [Section 297. Advance Establishment.--(a) Any
11 administrative unit contained in a plan of organization of
12 administrative units approved by the Council of Basic Education
13 may constitute and be deemed established as a school district on
14 July 1, 1964, or on July 1, 1965, when the following conditions
15 have been satisfied:

16 (1) All appeals to the State Board of Education from the
17 action of the Council of Basic Education approving the plan of
18 organization of administrative units have been finally
19 determined;

20 (2) At a regular meeting or at a special meeting called for
21 such purpose, the board of school directors of each school
22 district composing the administrative unit has approved by
23 majority vote the establishment in advance of July 1, 1966, of
24 the proposed school district contained in the plan of
25 organization of administrative units approved by the Council of
26 Basic Education;

27 (3) A copy of the resolution of each school district is
28 filed with the Department of Public Instruction; and

29 (4) The Superintendent of Public Instruction certifies to
30 the Council of Basic Education that all school districts

1 composing the administrative unit have filed resolutions with
2 the Department of Public Instruction approving the establishment
3 of the school district in advance of July 1, 1966. The
4 certification shall state the date when the school district
5 shall be deemed established.

6 (b) Any school district established in advance of July 1,
7 1966, shall be entitled to all the benefits of this act and
8 shall be subject to all of the provisions of this act as if the
9 school district were constituted and deemed established on July
10 1, 1966: Provided, however, That in the case of school districts
11 established on July 1, 1964, the provisions of section 303.1 of
12 this act relating to election of school directors shall be
13 advanced two years: And provided further, That in the case of
14 school districts established on July 1, 1965, the provisions of
15 section 303.1 of this act shall not be advanced.]

16 Section 7. Section 510.1 of the act, added January 14, 1952
17 (1951 P.L.2031, No.569), is repealed:

18 [Section 510.1. Special School Watchmen-School Districts in
19 Townships of the Second Class.--The board of school directors of
20 school districts in townships of the second class may, by
21 resolution, appoint and fix the salary of special school
22 watchmen, who shall have the duty of patrolling school grounds
23 and protecting school property.]

24 Section 8. Section 519 of the act is repealed:

25 [Section 519. Copies of School Laws.--The Superintendent of
26 Public Instruction shall send to each member of every board of
27 school directors in the State, a bound copy of each new edition
28 of the School Laws, as soon as possible after the same shall
29 have been published.]

30 Section 9. Section 523(a) of the act, amended November 2,

1 1973 (P.L.321, No.103), is repealed:

2 Section 523. Educational Broadcasting.--

3 [(a) The State Board of Education shall adopt and amend,
4 when necessary, a State Plan for Educational Broadcasting. The
5 State plan shall provide for the development of educational
6 broadcasting facilities in the Commonwealth and shall define
7 educational broadcasting service areas which shall be served by
8 specified broadcasting centers. The Department of Education
9 shall promulgate regulations to implement the State plan. Prior
10 to adoption or amendment of the State plan, the board shall
11 submit the plan to the Pennsylvania Public Television Network
12 Commission and receive its comments thereon.]

13 * * *

14 Section 10. Section 705 of the act, amended October 21, 1965
15 (P.L.601, No.312), is repealed:

16 [Section 705. Residences for Teachers and Janitors.--The
17 board of directors of any school district of the fourth class,
18 when they consider it necessary, may purchase or build a
19 residence or residences for the use of the principal or teacher
20 or janitor, or any of them, as shall be deemed advisable, in the
21 same manner and upon the same procedure as other school
22 buildings are purchased or erected. Such school districts, with
23 the approval of the Department of Public Instruction, are
24 authorized to expend the funds of the school district and to
25 borrow money for the purchase or erection of such residences in
26 the same manner as for other school buildings. Any such district
27 may fix and charge a rental for the use of such building, which
28 rental shall be paid into the school treasury. All property
29 acquired under this section shall be held by the school district
30 the same as other school property.]

Section 11. Sections 736, 737 and 738 of the act are repealed:

[Section 736. Heating Stoves to be Shielded.--No board of school directors in this Commonwealth shall use a common heating stove for the purpose of heating any school room, unless such stove is in part enclosed within a shield or jacket made of galvanized iron, or other suitable material, and of sufficient height, and so placed, as to protect all pupils while seated at their desks from direct rays of heat.

Section 737. Ventilation; Thermometer.--No school room or recitation room shall be used in any public school which is not provided with ample means of ventilation, and whose windows, when they are the only means of ventilation, shall not admit of ready adjustment both at the top and bottom, and which does not have some device to protect pupils from currents of cold air. Every school room or recitation room shall be furnished with a thermometer.

Section 738. Fireproof Construction.--All school buildings, two or more stories high, hereafter erected or leased in any school district of the first class in this Commonwealth shall be of fireproof construction; and in any school district of the second, third, or fourth class, every building more than two stories high, hereafter built or leased for school purposes, shall be of fireproof construction.]

Section 12. Section 739 of the act, amended March 23, 1972 (P.L.118, No.43), is repealed:

[Section 739. Doors to Open Outward; Fire Escapes; etc.--All doors of entrance into any building used for public school purposes shall open outward.

In all school buildings erected after the first day of May,

1 one thousand nine hundred twenty-five, or buildings leased or
2 used for school purposes, all entrance and exit doors, as well
3 as all doors leading to or from all regular, special, or general
4 rooms, shall open outward.

5 Every school building shall be provided with necessary fire-
6 escapes and safety-appliances as required by law.

7 On and after January 1, 1973, each new school building and
8 every addition to an existing school building equipped with
9 windows and with no emergency fire rescue door to the outside,
10 shall be equipped with escape windows of such type and at such
11 locations as may be approved by the Department of Labor and
12 Industry.]

13 Section 13. Sections 740, 760 and 772 of the act are
14 repealed:

15 [Section 740. Water-closets or Out-houses.--The board of
16 school directors in every district shall, with every building
17 used for school purposes, provide and maintain in a proper
18 manner, a suitable number of water-closets or out-houses, not
19 less than two for each building, where both sexes are in
20 attendance. Such water-closets or out-houses shall be suitably
21 constructed for, and used separately by, the sexes. When any
22 water-closets or out-houses are outside and detached from the
23 school building, the entrances thereto shall be properly
24 screened, and they shall, unless constructed at a remote
25 distance from each other, have separate means of access thereto,
26 and, if possible, for not less than twenty-five (25) feet from
27 such water-closets or out-houses, such means of access or walks
28 leading thereto shall be separated by a closed partition, wall,
29 or fence, not less than seven (7) feet high.

30 The board of school directors shall keep all water-closets or

1 out-houses, used in connection with any school building, in a
2 clean and sanitary condition, and shall, not less than ten (10)
3 days prior to the opening of any term of school, and oftener if
4 necessary, have them properly cleaned and disinfected by the use
5 of fresh-dry-slacked lime, or other proper disinfecting
6 materials.

7 Section 760. Completion of Abandoned WPA Projects, Districts
8 Third and Fourth Class.--Whenever any school district of the
9 third or fourth class, pursuant to contract with the Works
10 Projects Administration or any other agency of the United States
11 Government, shall have expended money for the erection of a
12 school building to be erected by such agency, and after the
13 erection of such building has been begun, but before the
14 completion thereof the project is abandoned by the Works
15 Projects Administration or other agency of the United States
16 Government, the board of directors of such school district may,
17 with the approval of the Superintendent of Public Instruction,
18 enter into a contract for the immediate continuation of the work
19 of erecting such school building to an extent necessary to
20 protect the work already completed from loss or damage by the
21 elements. Such contract may be let on competitive bids solicited
22 from at least three responsible bidders and approved by the
23 Superintendent of Public Instruction.

24 Section 772. Condition of Grounds; Shade Trees.--The board
25 of school directors in each school district shall put the
26 grounds about every school building in a neat, proper and
27 sanitary condition and so maintain the same and shall provide
28 and maintain a proper number of shade trees.]

29 Section 14. Section 1208 of the act, amended October 21,
30 1965 (P.L.601, No.312), is repealed:

1 [Section 1208. Summer Schools, etc.--The State Board of
2 Education shall provide for summer schools in State colleges,
3 colleges, universities and other educational institutions, and
4 for extension courses and correspondence courses for all
5 teachers employed in the public school system of the
6 Commonwealth who wish to acquire the minimum qualifications
7 prescribed herein, or such further qualifications as may be
8 desirable.]

9 Section 15. Section 1317.1 of the act, added December 22,
10 1989 (P.L.749, No.103), is repealed:

11 [Section 1317.1. Possession of Telephone Pagers
12 Prohibited.--(a) The possession by students of telephone paging
13 devices, commonly referred to as beepers, shall be prohibited on
14 school grounds, at school sponsored activities and on buses or
15 other vehicles provided by the school district.

16 (b) The prohibition contained in subsection (a) shall not
17 apply in the following cases, provided that the school
18 authorities approve of the presence of the beeper in each case:

19 (1) A student who is a member of a volunteer fire company,
20 ambulance or rescue squad.

21 (2) A student who has a need for a beeper due to the medical
22 condition of an immediate family member.]

23 Section 16. Section 1337(f) of the act, amended December 6,
24 1972 (P.L.1430, No.314), is repealed:

25 Section 1337. Nonprofit School Food Program.

26 * * *

27 [(f) Studies, Appraisals and Reports to Governor. The
28 Department of Education is hereby authorized, to the extent that
29 funds are available for that purpose and in cooperation with
30 other appropriate agencies and organizations, to conduct studies

1 of methods of improving and expanding school food programs and
2 promoting nutritional education in the schools, to conduct
3 appraisals of the nutritive benefits of school food programs and
4 to report its findings and recommendations, from time to time,
5 to the Governor.]

6 Section 17. Section 1338.2 of the act, added November 17,
7 1995 (1st Sp.Sess., P.L.1110, No.29), is repealed:

8 [Section 1338.2. Antitruancy Programs.--The Department of
9 Education shall formulate recommendations for the General
10 Assembly concerning the establishment and funding of effective
11 community-based antitruancy pilot programs. In formulating these
12 recommendations, the Department of Education shall seek advice
13 and counsel from educators, parents, students, district
14 attorneys, law enforcement representatives, attendance officers,
15 social service agencies experienced in providing services to
16 truant children, counselors, judges, probation officers and
17 representatives from the Pennsylvania Commission on Crime and
18 Delinquency and the Juvenile Court Judges' Commission.]

19 Section 18. Section 1378 of the act is repealed:

20 [Section 1378. Medical Care for Children Under Six with
21 Defective Hearing.--Whenever the county medical director of the
22 Department of Health reports to the medical examiner of any
23 school district a case of a minor under six (6) years of age,
24 who is totally deaf or whose hearing is impaired, who is not
25 receiving adequate care and treatment, and whose parent or
26 guardian is financially unable to provide the same, such medical
27 examiner shall provide such care and treatment at the expense of
28 the school district or of the Commonwealth, as the case may be
29 charged by law with the providing of medical examinations for
30 the schools of the school district. Such care and treatment may

1 be administered by the medical examiner or by some doctor of
2 medicine selected by him.]

3 Section 19. Section 1308-A of the act, added June 30, 1995
4 (P.L.220, No.26), is repealed:

5 [Section 1308-A. Report.--The Secretary of Education shall
6 survey all school districts and nonpublic schools to determine
7 the extent to which additional costs have been incurred in
8 implementing administrative and reporting requirements
9 established for public and nonpublic schools in section 1317.2
10 and in sections 1304-A through 1307-A. The Secretary of
11 Education shall issue a report to the chairman and the minority
12 chairman of the Appropriations Committee and the Education
13 Committee of the Senate and the Appropriations Committee and
14 Education Committee of the House of Representatives by April 1,
15 1996, concerning the extent to which additional costs have been
16 incurred by school districts and nonpublic schools.]

17 Section 20. Section 1414 of the act, added July 15, 1957
18 (P.L.937, No.404), is repealed:

19 [Section 1414. Care and Treatment of Pupils.--Any school
20 district or joint school board may provide for the care and
21 treatment of defective eyes, ears and teeth of all children of
22 school age within the district.]

23 Section 21. Section 1422.1 of the act, amended June 30, 2012
24 (P.L.684, No.82), is repealed:

25 [Section 1422.1. Local Wellness Policy.--(a) Not later than
26 the first day of the school year beginning after June 30, 2006,
27 each local education agency shall, pursuant to section 204 of
28 the Child Nutrition and WIC Reauthorization Act of 2004 (Public
29 Law 108-265, 118 Stat. 729), establish a local wellness policy
30 for schools within the local education agency.

1 (c) A local education agency may submit its local wellness
2 policy or information on other initiatives regarding child
3 health, nutrition, food allergy reaction management and physical
4 education to the Department of Education for inclusion in the
5 clearinghouse established under section 1422.3(3).]

6 Section 22. Section 1517(d) of the act, amended January 14,
7 1970 (1969 P.L.468, No.192), is amended to read:

8 Section 1517. Fire and Emergency Evacuation Drills.--* * *

9 (d) (1) All schools using or contracting for school buses
10 for the transportation of school children shall conduct on
11 school grounds two emergency evacuation drills on buses during
12 each school year, the first to be conducted during the first
13 week of the first school term and the second during the month of
14 March, and at such other times as the chief school administrator
15 may require. Each such drill shall include the practice and
16 instruction concerning the location, use and operation of
17 emergency exit doors and fire extinguishers and the proper
18 evacuation of buses in the event of fires or accidents.

19 (2) Bus operators shall be provided with proper training and
20 instructions to enable them to carry out the provisions of this
21 subsection and may be required to attend classes and drills in
22 connection therewith.

23 [On or before the tenth day of April of each year, each
24 district superintendent shall certify to the Department of
25 Public Instruction that the emergency evacuation drills herein
26 required have been held.]

27 Section 23. Section 1522 of the act, amended August 5, 1991
28 (P.L.219, No.25), is repealed:

29 [Section 1522. Foreign Language Academies.--(a) The
30 Department of Education shall establish a summer foreign

1 language academy grant program utilizing Federal education funds
2 and matching grants for students in this Commonwealth. To the
3 greatest extent possible, the department shall establish
4 guidelines for the programs which involve the universities and
5 colleges, local school districts and intermediate units. Those
6 students who are to participate in the program shall be selected
7 by the local school districts.

8 (b) At least one summer foreign language academy shall be in
9 operation by the summer of 1993.

10 (c) The department shall prepare an annual report of the
11 summer foreign language academies program which shall be
12 submitted to the Governor, the Education Committee of the Senate
13 and the Education Committee of the House of Representatives.]

14 Section 24. Section 1534 of the act is repealed:

15 [Section 1534. Monthly Reports to School Directors;
16 Districts Second, Third and Fourth Class.--In school districts
17 of the second, third and fourth class every teacher employed in
18 the public schools shall, at the end of each school month, or
19 within five days thereafter, make a report for the past month to
20 the board of school directors. Such reports shall state
21 correctly the number of days the schools were kept open, and, if
22 closed on any days, the reason therefor, the number, age, and
23 sex of all pupils, and the number of days attended by each. Such
24 reports shall be made on blank forms to be furnished the
25 teachers by the board of school directors. No teacher shall be
26 paid more than one-half of his salary for the current month
27 until such report is made. Such reports shall be filed with the
28 secretary of the board, and shall at all times be open to
29 inspection by the public. Any school principal may make such
30 report for the entire school.]

1 Section 25. Section 1547(h) of the act, amended December 19,
2 1990 (P.L.1362, No.211), is repealed:

3 Section 1547. Alcohol, Chemical and Tobacco Abuse Program.--

4 * * *

5 [(h) On or before June 1, 1992, the Secretary of Education
6 shall report to the General Assembly concerning the 1991-1992
7 school year activities of the Department of Education pertaining
8 to the provisions of this section and concerning proposed 1992-
9 1993 school year activities of the Department of Education
10 pertaining to this section.]

11 * * *

12 Section 26. The heading of Article XV-B of the act, added
13 June 26, 1999 (P.L.394, No.36), is repealed:

14 [ARTICLE XV-B.

15 READ TO SUCCEED PROGRAM.]

16 Section 27. Sections 1501-B, 1502-B, 1503-B, 1504-B and
17 1505-B of the act, added June 26, 1999 (P.L.934, No.36), are
18 repealed:

19 [Section 1501-B. Establishment of Program.--There is hereby
20 established in the Department of Education the Read to Succeed
21 Program. The program shall provide competitive grants to school
22 districts and charter schools to build strong reading skills in
23 Pennsylvania students. The program shall emphasize students with
24 the greatest need for intensive reading instruction and school
25 programs that will enable students to learn to read by the end
26 of the third grade.

27 Section 1502-B. Eligibility Requirements.--(a) The
28 Department of Education shall establish eligibility criteria to
29 be used to select schools and students in kindergarten through
30 third grade to participate in the Read to Succeed Program.

(b) The secretary shall establish matching requirements for grant recipients.

Section 1503-B. Program Requirements.--School districts and charter schools shall apply for grants as prescribed by the Department of Education. The application will contain the following:

(1) Identification of students with the greatest need.

(2) Methods of ongoing assessment.

(3) Reading instruction based on current reading research.

(4) Integration with the reading instruction programs and activities of the school district.

(5) Professional development plan.

(6) Opportunities for extended learning time.

(7) Coordination with community-based reading activities, including family literacy programs.

(8) Staff and program facilities.

(9) A multiyear plan that shows how the school district or charter school will assume full financial and programmatic responsibility for the Read to Succeed Program at the conclusion of the grant period.

(10) The estimated budget for each specific program activity.

Section 1504-B. Technical Assistance and Monitoring.--The Department of Education shall provide technical assistance and establish methods to ensure the quality of the program receiving a grant, including program monitoring and onsite visitation.

Section 1505-B. Reports.--(a) A school district or charter school participating in the Read to Succeed Program shall provide program and fiscal reports as required by the Department of Education.

1 (b) Beginning in the year 2000, the department shall submit
2 a report by December 31 of each year to the majority and
3 minority chairman of the Education Committee of the Senate and
4 the majority and minority chairman of the Education Committee of
5 the House of Representatives.]

6 Section 28. Section 1516-D of the act, added July 20, 2007
7 (P.L.278, No.45), is repealed:

8 [Section 1516-D. Reporting.

9 (a) General rule.--No later than October 1, 2008, and
10 October 1 of each year thereafter in which funding is
11 appropriated for the purpose of providing grants to approved
12 providers under this subarticle, the department shall submit a
13 report to the chairman and minority chairman of the
14 Appropriations Committee of the Senate, the chairman and
15 minority chairman of the Appropriations Committee of the House
16 of Representatives, the chairman and minority chairman of the
17 Education Committee of the Senate and the chairman and minority
18 chairman of the Education Committee of the House of
19 Representatives summarizing the operation of the program for the
20 immediately preceding fiscal year. The report shall include:

21 (1) A description of the operation of the program,
22 including:

23 (i) The criteria used to determine the eligibility
24 of a provider for funding under the program.

25 (ii) The criteria used to determine the amount of
26 grant funds paid to approved providers.

27 (iii) A summary of the process used by eligible
28 providers to apply for grant funds, including sample
29 copies of all application forms, instructions, guidelines
30 and deadlines.

1 (2) A summary of the total amount of grant funds paid to
2 approved providers.

3 (3) A summary of the allowable uses of grant funds under
4 the program.

5 (4) A description of the assessments used to measure the
6 academic progress of eligible students served through the
7 program.

8 (5) A listing by county of each eligible provider
9 submitting a grant application and indicating whether the
10 eligible provider received funding and the amount thereof.

11 (6) For each approved provider, a report by county
12 indicating:

13 (i) Name.

14 (ii) Address.

15 (iii) The number of eligible students served through
16 the program.

17 (iv) The use or uses of the grant funds.

18 (v) The assessment of academic progress of each
19 eligible student served through the program.

20 (vi) Of the eligible students served through the
21 program, the number who are three years of age and the
22 number who are four years of age.

23 (vii) To the extent possible, the total number of
24 students receiving pre-kindergarten services itemized to
25 identify:

26 (A) The number of students receiving services as
27 a result of tuition paid by the parent or guardian.

28 (B) The number of students receiving services
29 through the program.

30 (C) The number of students receiving services

1 through the State Head Start Supplemental Assistance
2 and Federal Head Start programs.

3 (viii) To the extent possible, a financial summary
4 indicating the total expenditures of each approved
5 provider and indicating as components of those
6 expenditures the total revenues received from the
7 Commonwealth through early childhood programs
8 administered by the Department of Public Welfare, the
9 total revenues received from the Commonwealth under the
10 program and the total revenues received from
11 nonparticipating families with children enrolled in the
12 program.

13 (ix) The enrollment goals as set forth in the grant
14 application.

15 (x) To the extent possible, the number of eligible
16 students served through the program who were funded
17 through the subsidized day-care programs administered by
18 the Department of Public Welfare and the number of
19 eligible students served through the program who were
20 funded through the Federal Head Start program or the
21 State Head Start Supplemental Assistance program.

22 (b) Interim report.--No later than February 1, 2008, the
23 department shall submit an interim report regarding the program
24 to the chairman and minority chairman of the Appropriations
25 Committee of the Senate, the chairman and minority chairman of
26 the Appropriations Committee of the House of Representatives,
27 the chairman and minority chairman of the Education Committee of
28 the Senate and the chairman and minority chairman of the
29 Education Committee of the House of Representatives summarizing
30 the operation of the program for the 2007-2008 fiscal year. The

interim report shall include the items listed in subsection (a) (1), (2), (3), (4), (5) and (6)(i), (ii), (iii), (iv), (vi) and (ix).]

Section 29. Section 1503-E(10) of the act, added July 4, 2004 (P.L.536, No.70), is repealed:

Section 1503-E. Department duties and powers.

The department shall:

* * *

[(10) Prepare and submit an annual report to the Education Committee of the Senate and the Education Committee of the House of Representatives regarding the administration and operation of programs and grants awarded under the grant program. The report shall include:

(i) A summary of the guidelines and criteria established by the department and the establishment and operation of the grant program.

(ii) A listing of the sources of funding sought by the department for use in the grant program.

(iii) A listing of the number of school districts that established and implemented programs.

(iv) A description of each school district's program and the integration into the curriculum.

(v) A description of measures utilized by school districts to provide parent, professional educator and community involvement.]

Section 30. Section 1803 of the act, amended December 22, 1965 (P.L.1150, No.446), is amended to read:

Section 1803. Duties of State Board for Vocational Education; Reports.--The State Board for Vocational Education is hereby authorized and directed to investigate and to aid in the

1 introduction of vocational industrial, vocational agricultural,
2 vocational homemaking, vocational distributive and vocational
3 business and office occupational education; to assist in the
4 establishment of schools and departments for said forms of
5 education, and to inspect and approve such schools or
6 departments as are hereinafter provided. [The State Board for
7 Vocational Education shall make a report annually to the
8 Governor and Legislature describing the condition and progress
9 of vocational industrial, vocational agricultural, vocational
10 homemaking, vocational distributive and vocational business and
11 office occupational education during the year, and shall also
12 make such recommendations as the board may deem advisable.]

13 Section 31. Section 1804 of the act, amended January 14,
14 1970 (1969 P.L.468, No.192), is repealed:

15 [Section 1804. Schools or Classes; Supervisors; Principals;
16 Instructors, etc.--In carrying out the provisions of this act,
17 the State Board for Vocational Education shall provide for
18 vocational schools or classes, with the necessary staffs, in
19 accordance with the State Plan for Vocational Education,
20 approved by the Federal Board for Vocational Education.

21 Principals, instructors and lecturers for the Public Service
22 Institute shall be elected by the State Board for Vocational
23 Education. They shall possess the qualifications established in
24 the State Plan for Vocational Education approved by the Federal
25 Board for Vocational Education.]

26 Section 32. Section 1811 of the act, amended June 19, 1961
27 (P.L.470, No.236), is repealed:

28 [Section 1811. Estimate of Expenses and Reimbursements;
29 Appropriations.--On or before the first Wednesday of January of
30 any year in which the regular session of the Legislature is

1 held, the State Board for Vocational Education shall present to
2 the Legislature an estimate of the amount of money necessary to
3 meet the expenditures to be incurred in the administration of
4 this act for the fiscal year beginning with the first day of the
5 ensuing June, 1961, and beginning with the first day of July of
6 each year thereafter; and the amount necessary to meet the
7 claims of school districts and unions of school districts
8 maintaining approved vocational schools or departments, under
9 the provisions of this act for the school year beginning with
10 the first day of the preceding July. On the basis of such
11 statement, the Legislature shall make an appropriation of such
12 amounts as may be necessary to meet the expense of carrying this
13 act into effect, and of reimbursing such school districts and
14 unions of school districts for such school year as herein
15 provided.]

16 Section 33. Section 1923 of the act is repealed:

17 [Section 1923. Teachers of Evening Schools.--All teachers of
18 evening schools must have proper certificates as provided in
19 this act.]

20 Section 34. Section 1906.1-B(c) of the act, added December
21 9, 2002 (P.L.1472, No.187), is amended to read:

22 Section 1906.1-B. Powers and Duties of the Board of
23 Trustees.--* * *

24 (c) The board of trustees shall coordinate, review and
25 approve the annual capital budget requirements of the college
26 and the annual operating budget of the college. It shall present
27 these annual budgets with comments to the Secretary of Education
28 for presentation to the State Board of Education. [The State
29 Board of Education shall return such budget requests,
30 recommending approval or disapproval, with comments, if any, to

1 the Secretary of Education prior to their submission to the
2 Secretary of the Budget.] The board of trustees may also submit
3 its budget recommendations and findings to the General Assembly
4 subsequent to the submission of the Governor's budget to the
5 General Assembly.

6 * * *

7 Section 35. Section 1916-B of the act, added December 9,
8 2002 (P.L.1472, No.187), is repealed:

9 [Section 1916-B. Annual Report.--The board of trustees shall
10 be required to submit a report to the Governor, the
11 Appropriations Committee and Education Committee of the Senate
12 and the Appropriations Committee and Education Committee of the
13 House of Representatives and the State Board of Education, no
14 later than September 1, which shall cover the twelve-month
15 period beginning with the summer term of the preceding year and
16 shall include:

17 (1) The definitions and number of faculty members and staff
18 employed full time, the number of faculty members and staff
19 employed part time, the number of full-time students enrolled
20 and the number of part-time students enrolled.

21 (2) The total number of credit hours taught and the minimum
22 number of credit hours required for graduation.

23 (3) The degrees and programs offered by the institution.

24 (4) The total number of graduates and the total number of
25 graduates by degree or program.

26 (5) The number of terms scheduled and dates thereof.]

27 Section 36. Section 2002-C(b) of the act, added July 11,
28 2006 (P.L.1092, No.114), is repealed:

29 Section 2002-C. Duties of public institutions of higher
30 education.

1 * * *

2 [(b) Reporting requirements.--A public institution of higher
3 education shall submit to the department a series of interim
4 reports outlining the actions that the public institution of
5 higher education has undertaken or intends to undertake to
6 comply with subsection (a), which shall be filed December 31,
7 2006, June 30, 2007, and December 31, 2007.]

8 * * *

9 Section 37. The headings of Article XXII-A and Subdivision
10 (a) of the act, added October 30, 2001 (P.L.828, No.83), are
11 repealed:

12 [ARTICLE XXII-A.

13 MEDICAL EDUCATION LOAN ASSISTANCE.

14 (a) General Provisions.]

15 Section 38. Sections 2201-A, 2202-A and 2203-A of the act,
16 added October 30, 2001 (P.L.828, No.83), are repealed:

17 [Section 2201-A. Scope.

18 This article deals with medical education loan assistance.

19 Section 2202-A. Purpose.

20 The purpose of this article is to provide an incentive to
21 Pennsylvania students to pursue higher education and training in
22 medicine, professional nursing, biomedicine and the life
23 sciences in order to maintain the delivery of quality health
24 care services in this Commonwealth.

25 Section 2203-A. Definitions.

26 The following words and phrases when used in this article
27 shall have the meanings given to them in this section unless the
28 context clearly indicates otherwise:

29 "Accredited medical college." An institution of higher
30 education located in this Commonwealth that is accredited by the

1 Liaison Committee on Medical Education to provide courses in
2 medicine and empowered to grant professional and academic
3 degrees in medicine as defined in the act of December 20, 1985
4 (P.L.457, No.112), known as the Medical Practice Act of 1985.

5 "Agency." The Pennsylvania Higher Education Assistance
6 Agency.

7 "Approved institution of higher learning." An institution of
8 higher learning located in this Commonwealth and approved by the
9 agency.

10 "Approved nursing program." An institution located in this
11 Commonwealth and accredited to grant professional and academic
12 degrees or diplomas in nursing as defined in the act of May 22,
13 1951 (P.L.317, No.69), known as The Professional Nursing Law.

14 "Degree in medicine." A degree from an accredited medical
15 college that qualifies the degree recipient to be licensed as a
16 physician.

17 "Designated area." Any of the following:

18 (1) A geographic area of this Commonwealth that is
19 designated by the Secretary of Health as having a shortage of
20 physicians.

21 (2) A geographic area of this Commonwealth designated by
22 the United States Department of Health and Human Services as
23 a medically underserved area or designated to have a
24 medically underserved population.

25 "Eligible applicant." An individual who holds an
26 undergraduate degree from an institution of higher learning and
27 is enrolled in:

28 (1) an accredited medical college; or

29 (2) an approved institution of higher learning for
30 purposes of obtaining a graduate degree in biomedicine or

1 life sciences.

2 "Guarantor." An insurance company or not-for-profit
3 guarantor whose primary purpose is to provide default coverage
4 and loss prevention services to an offeror of unsecured student
5 loans.

6 "Licensed health care facility." A health care facility that
7 is enrolled in the Commonwealth's medical assistance program and
8 is licensed under Article X of the act of June 13, 1967 (P.L.31,
9 No.21), known as the Public Welfare Code, or the act of July 19,
10 1979 (P.L.130, No.48), known as the Health Care Facilities Act.

11 "Nursing school applicant." An individual who is a resident
12 of this Commonwealth and is enrolled in an approved nursing
13 program.

14 "Offeror." An institution that makes unsecured loans to
15 eligible students in cooperation with the agency.

16 "Physician." An individual licensed to practice medicine and
17 surgery within the scope of the act of October 5, 1978
18 (P.L.1109, No.261), known as the Osteopathic Medical Practice
19 Act, or the act of December 20, 1985 (P.L.457, No.112), known as
20 the Medical Practice Act of 1985.

21 "Registered nurse." An individual licensed to practice
22 professional nursing under the act of May 22, 1951 (P.L.317,
23 No.69), known as The Professional Nursing Law.

24 "Work requirement for nurses." Postgraduate, full-time
25 employment in direct patient care with a licensed health care
26 facility located in this Commonwealth in an occupation related
27 to an approved course of study. The term does not include a paid
28 student internship, a paid fellowship, volunteer service or
29 employment before graduation.]

30 Section 39. The heading of Subdivision (b) of Article XXII-A

1 of the act, added October 30, 2001 (P.L.828, No.83), is
2 repealed:

3 [(b) Program.]

4 Section 40. Sections 2211-A, 2212-A, 2213-A and 2214-A of
5 the act, added October 30, 2001 (P.L.828, No.83), are repealed:

6 [Section 2211-A. Pennsylvania Medical Education Loan Assistance
7 Program.

8 The agency shall establish and administer the Pennsylvania
9 Medical Education Loan Assistance Program as set forth in
10 sections 2212-A and 2213-A to provide financial assistance to
11 individuals who acquire the required degree or diploma in
12 medicine, professional nursing, biomedicine or life sciences and
13 to recruit these individuals to practice their professions in
14 Pennsylvania.

15 Section 2212-A. Loan guarantor program.

16 (a) Establishment of program.--The agency shall administer a
17 loan guarantor program on a Statewide basis. The agency shall
18 utilize funds in the Medical School Loan Account to encourage
19 eligible applicants to attend an accredited medical college or
20 an approved institution of higher learning.

21 (b) Loan Guarantor Program.--The Loan Guarantor Program
22 shall provide for the following:

23 (1) Life of loan servicing.

24 (2) Contracting for insurance with a guarantor, approved
25 by the agency, which offers a low-cost loan with competitive
26 interest rates and loan fees to eligible applicants.

27 (3) Predetermining the eligibility of applicants who
28 receive a loan from an offeror to attend an accredited
29 medical school or an approved institution of higher learning
30 that is insured by a guarantor.

1 (4) Evaluating the benefit package of a guarantor for
2 adequacy, accessibility and availability of funds necessary
3 to provide adequate loss prevention.

4 (c) Low-cost loans.--An eligible applicant shall apply to an
5 offeror for a low-cost loan to attend an accredited medical
6 college or an approved institution of higher learning. A low-
7 cost loan made under this subsection shall be guaranteed by an
8 approved guarantor through a contract with the agency. Low-cost
9 loans made under this subsection shall provide reduced interest
10 rates and loan fees to eligible applicants compared to loans
11 made for the same purpose that are not guaranteed by this
12 article.

13 (d) Loan requirements.--Loans provided under this section
14 shall cover up to 100% of the actual cost of tuition, room and
15 board at an accredited medical college or an approved
16 institution of higher learning and the actual cost of course-
17 required textbooks and supplies for the recipient.

18 (e) Default.--If a recipient fails to repay a loan received
19 under this section, the agency shall collect the loan pursuant
20 to one of the following:

21 (1) Section 4.3 of the act of August 7, 1963 (P.L.549,
22 No.290), referred to as the Pennsylvania Higher Education
23 Assistance Agency Act.

24 (2) A process established by the applicable guarantors.

25 (3) Any other collection procedure or process deemed
26 appropriate by the agency.

27 (f) Medical Education Loan Loss Account.--An account is
28 hereby established within the agency to receive funds
29 appropriated for purposes of this section. Moneys in the account
30 are hereby appropriated to the agency to provide the loan

guarantor program. When funds in the account are expended, no additional loans shall be offered.

(g) Interest rate reduction.--The agency or an offeror may modify loans under this section to further reduce interest rates as follows:

(1) The agency or the offeror may reduce the interest rate of the loan by not less than 1% if the loan recipient, upon completion of a graduate degree in biomedicine or life sciences or upon licensure as a physician, agrees to practice medicine or be employed to conduct research on a full-time basis in Pennsylvania for a period of three consecutive years.

(2) The agency or the offeror may reduce the interest rate of the loan by not less than 2% if the loan recipient, upon licensure as a physician, agrees to practice medicine for not less than three consecutive years in a designated area.

(h) Contract.--In addition to the requirements of subsection (g), in order to be eligible for an interest rate reduction, a loan recipient shall enter into a contract with the agency or an offeror or its assigns at the time the loan is made. The contract shall include the following:

(1) The loan recipient practicing in a designated area shall agree to treat patients eligible for medical assistance and Medicare.

(2) The loan recipient shall permit the agency or the offeror to monitor the recipient's practice or employment to determine compliance with the terms of the contract and this article.

(3) The agency shall certify compliance with the terms

1 of the contract.

2 (4) Upon the loan recipient's death or total or
3 permanent disability, the agency or the offeror shall nullify
4 the service obligation of the recipient.

5 (5) If the loan recipient is convicted of or pleads
6 guilty or no contest to a felony or if the licensing board
7 has determined that the recipient has committed an act of
8 gross negligence in the performance of service obligations or
9 has suspended or revoked the license to practice, the agency
10 or the offeror shall terminate the loan recipient's
11 participation in the program and seek repayment of the amount
12 of the loan on the date of the conviction, determination,
13 suspension or revocation.

14 (6) A loan recipient who fails to comply with a contract
15 shall pay to the agency or the offeror the amount of loan
16 received under the original contract as of the time of
17 default. Providing false information or misrepresentation on
18 an application or verification of service shall constitute
19 default.

20 (i) Accountability.--In July 2004, the agency shall conduct
21 a performance review of the program and services provided. The
22 performance review shall include the following:

23 (1) The goals and objectives of the program.

24 (2) A determination of whether the goals and objectives
25 were achieved by the agency-participating guarantor and
26 offeror.

27 (3) The specific methodology used to evaluate the
28 results.

29 (4) Recommendations for improvement.

30 Section 2213-A. Loan forgiveness program.

1 (a) Establishment of program.--The agency shall administer a
2 loan forgiveness program for nursing school applicants on a
3 Statewide basis. The agency may provide loan forgiveness as
4 provided in subsection (b) for recipients of loans who by
5 contract with the agency agree to practice professional nursing
6 in this Commonwealth upon attainment of the required license.

7 (b) Loan forgiveness.--Agency-administered, federally
8 insured student loans for higher education provided to a nursing
9 school applicant may be forgiven by the agency as follows:

10 (1) The agency may forgive 50% of the loan, not to
11 exceed \$50,000, if a loan recipient enters into a contract
12 with the agency that requires the recipient upon successful
13 completion of an approved nursing program and licensure as a
14 registered nurse to practice nursing in this Commonwealth for
15 a period of not less than three consecutive years.

16 (2) Loan forgiveness awards made pursuant to paragraph
17 (1) shall be forgiven over a period of three years at an
18 annual rate of 33 1/3% of the award and shall be made from
19 funds appropriated for this purpose.

20 (3) The contract entered into with the agency pursuant
21 to paragraph (1) shall be considered a contract with the
22 Commonwealth and shall include the following terms:

23 (i) An unlicensed recipient shall apply for a
24 registered nurse's license to practice in this
25 Commonwealth at the earliest practicable opportunity upon
26 successfully completing a degree in nursing.

27 (ii) Within six months after licensure, a recipient
28 shall engage in the practice of nursing in this
29 Commonwealth according to the terms of the loan
30 forgiveness award.

1 (iii) The recipient shall agree to practice in a
2 licensed health care facility in the provision of direct
3 patient care on a full-time basis.

4 (iv) The recipient shall permit the agency to
5 determine compliance with the work requirement for nurses
6 and all other terms of the contract.

7 (v) Upon the recipient's death or total or permanent
8 disability, the agency shall nullify the service
9 obligation of the recipient.

10 (vi) If the recipient is convicted of or pleads
11 guilty or no contest to a felony or if the licensing
12 board has determined that the recipient has committed an
13 act of gross negligence in the performance of service
14 obligations or has suspended or revoked the license to
15 practice, the agency shall have the authority to
16 terminate the recipient's service in the program and
17 demand repayment of the amount of the loan as of the date
18 of the conviction, determination, suspension or
19 revocation.

20 (vii) Loan recipients who fail to begin or complete
21 the obligations contracted for shall pay to the agency
22 the amount of the loan received under the terms of the
23 contract pursuant to this section. Providing false
24 information or misrepresentation on an application or
25 verification of service shall be deemed a default.
26 Determination as to the time of default shall be made by
27 the agency.

28 (4) Notwithstanding 42 Pa.C.S. § 8127 (relating to
29 personal earnings exempt from process), the agency may seek
30 garnishment of wages in order to collect the amount of the

1 loan following default under paragraph (3)(vii).

2 Section 2214-A. Tax applicability.

3 Loan forgiveness repayments received by a student shall not
4 be considered taxable income for purposes of Article III of the
5 act of March 4, 1971 (P.L.6, No.2), known as the Tax Reform Code
6 of 1971.]

7 Section 41. The heading of Subdivision (c) of Article XXII-A
8 of the act, added October 30, 2001 (P.L.828, No.83), is
9 repealed:

10 [(c) Miscellaneous Provisions.]

11 Section 42. Sections 2231-A, 2232-A, 2233-A and 2234-A of
12 the act, added October 30, 2001 (P.L.828, No.83), are repealed:
13 [Section 2231-A. Annual report.

14 (a) Development of report.--The agency shall publish a
15 report by September 1, 2002, and every year thereafter for the
16 immediately preceding fiscal year. The report shall include
17 information regarding the operation of the programs established
18 under this article, including:

19 (1) The number and amount of loan guarantees and loan
20 contracts executed and renewed for eligible applicants in
21 medicine, biomedicine or life sciences and the nursing loan
22 forgiveness program.

23 (2) The number and amount of nursing loan forgiveness
24 contracts executed and renewed for nursing school applicants.

25 (3) The number of defaulted nursing loan forgiveness
26 contracts, reported by cause.

27 (4) The number of nurses participating in the nursing
28 loan forgiveness program, reported by type of institution
29 attended, including four-year educational institutions,
30 community colleges, independent two-year colleges, private

1 licensed schools, hospital-based courses of study and
2 certificate programs.

3 (5) The number and type of enforcement actions taken by
4 the agency.

5 (b) Submission.--The annual report shall be submitted to the
6 Governor, the chair and minority chair of the Appropriations
7 Committee of the Senate, the chair and minority chair of the
8 Appropriations Committee of the House of Representatives, the
9 chair and minority chair of the Education Committee of the
10 Senate, the chair and minority chair of the Education Committee
11 of the House of Representatives, the chair and minority chair of
12 the Public Health and Welfare Committee of the Senate and the
13 chair and minority chair of the Health and Human Services
14 Committee of the House of Representatives.

15 Section 2232-A. Appeals.

16 The provisions of this article shall be subject to 22 Pa.
17 Code Ch. 121 (relating to student financial aid).

18 Section 2233-A. Regulations.

19 The agency shall adopt regulations and procedures necessary
20 to carry out the purposes of this article.

21 Section 2234-A. Funding.

22 Loan guarantor program payments and loan forgiveness
23 repayments shall be made only to the extent that funds are
24 appropriated for that purpose and are sufficient to cover
25 administration of the programs. The receipt of a loan under this
26 article shall not constitute an entitlement derived from the
27 Commonwealth or a claim on any funds of the Commonwealth.]

28 Section 43. Section 2596 of the act, added October 20, 1988
29 (P.L.827, No.110), is repealed:

30 [Section 2596. Special Study on the Revenue Impact of Out-

1 of-State Tax Credits.--(a) The Department of Education shall
2 undertake a special study to assess the revenue impact on
3 Pennsylvania school districts of residents who work in bordering
4 states. Particular emphasis shall be placed on districts meeting
5 the following criteria:

6 (1) Districts that levy a local earned income tax under the
7 act of December 31, 1965 (P.L.1257, No.511), known as "The Local
8 Tax Enabling Act"; and

9 (2) Districts that include as resident taxpayers individuals
10 who are subject to state and/or local income taxes at their out-
11 of-State place of employment and who, therefore, claim tax
12 credits in Pennsylvania as a result of these levies.

13 (b) The assessment shall include:

14 (1) Identification of all districts which meet the above
15 criteria.

16 (2) Compilation of data indicating, on a per district basis,
17 the number of resident taxpayers claiming a tax credit for out-
18 of-State payments.

19 (3) Analysis of the individual taxpayer data in order to
20 assess the effect on the local and State revenues for each
21 affected school district.

22 (c) The Secretary of Education shall present a report
23 summarizing the results of this study to the Chairman and the
24 Minority Chairman of the House Education Committee and the
25 Chairman and the Minority Chairman of the Senate Education
26 Committee no later than April 1, 1989.]

27 Section 44. Section 2603-B(c), (d)(4) and (10) and (h) of
28 the act, amended or added March 30, 1988 (P.L.321, No.43), June
29 29, 2002 (P.L.524, No.88) and December 23, 2003 (P.L.304, No.48)
30 are repealed:

Section 2603-B. Powers and Duties of the Board.--* * *

[(c) The board shall develop an annual operating budget, including projected operating expenses of the Professional Standards and Practices Commission. It shall include salaries for staff, office materials and equipment, and all expenses for the operation of the board and commission. This budget shall be presented to the Secretary of Education. Upon adoption of the general appropriations act, the department shall notify the board of the amount of its allocation.]

* * *

(d) The board shall also have the authority and duty to:

* * *

[(4) (i) apply for, receive and administer, subject to any applicable regulations or laws of the Federal Government or any agency thereof, any Federal grants, appropriations, allocations and programs for the development of academic facilities on behalf of the Commonwealth, any of its school districts or any institution of higher education, public or private, within this Commonwealth;

(ii) subject to criteria developed by the Secretary of Education and subject to any applicable regulations or laws of the Federal Government or any agency thereof, to develop, alter, amend and submit to the Federal Government State plans for participation in Federal grants, appropriations, allocations and programs for the development of academic facilities and to make regulations, criteria, methods, forms, procedures and to do all other things which may be necessary to make possible the participation of the Commonwealth in such Federal grants, appropriations, allocations and programs for the development of academic facilities;

1 (iii) hold hearings, issue subpoenas and render decisions as
2 to the priority assigned to any project, or as to any other
3 matter or determination affecting any applicant for Federal
4 grants, appropriations, allocations and programs for the
5 development of academic facilities;

6 (iv) adopt rules or procedures and prescribe regulations for
7 the submission to it of all matters within its jurisdiction; and

8 (v) submit, annually, to the Governor, on or before the
9 first Monday of December, a report of its proceedings during
10 that year, together with such recommendations as the board shall
11 deem necessary;]

12 * * *

13 [(10) (i) Approve or disapprove standards proposed by the
14 department in order to comply with the provisions of the No
15 Child Left Behind Act of 2001 to maintain the eligibility of
16 this Commonwealth to receive Federal funding for education
17 programs. The board shall approve or disapprove the standards
18 within 30 days of submission to the board's office or at its
19 next scheduled meeting, whichever is sooner. Failure of the
20 board to approve or disapprove the standards within the time
21 established under this section shall be deemed an approval of
22 the standards.

23 (ii) Standards promulgated under this section shall be
24 deposited with the Pennsylvania Bulletin for publication.]

25 * * *

26 [(h) Every five (5) years, the board shall adopt a master
27 plan for higher education which shall be for the guidance of the
28 Governor, the General Assembly, and all institutions of higher
29 education financed wholly or in part from State appropriations.
30 The master plan shall:

1 (1) define the role of each type of institution (State-owned
2 universities, State-related universities, community colleges,
3 private colleges and universities and off-campus centers of any
4 of these and other institutions authorized to grant degrees) in
5 this Commonwealth;

6 (2) recommend enrollment levels for each such institution;

7 (3) recommend methods for governance;

8 (4) recommend methods for the distribution of State funds
9 among the institutions;

10 (5) evaluate the status of physical plants and technical
11 equipment and project needs;

12 (6) evaluate the status of and projection of manpower needs;

13 (7) evaluate enrollment accessibility to institutions of
14 higher learning by the public; and

15 (8) otherwise provide for an orderly development of
16 institutions of higher education in this Commonwealth.]

17 Section 45. Section 2605-B of the act, added March 30, 1988
18 (P.L.321, No.43), is repealed:

19 [Section 2605-B. Reports and Recommendations.--(a) Annually
20 in January, the board shall submit a comprehensive report of its
21 activities to the Governor and the General Assembly together
22 with its recommendations for improvements in education in this
23 Commonwealth. The board's report shall include a statement
24 outlining the expected benefits and projected costs of any
25 recommended course of action. The report shall also include
26 information regarding the ongoing review of the Master Plan for
27 Higher Education and the Master Plan for Basic Education and
28 list any projected changes.

29 (b) As it deems appropriate and necessary, the board may
30 make reports and requests to the General Assembly on such issues

1 as, pending legislation, proposed legislation, educational
2 policy, and any other programs or issues of which the board
3 believes the General Assembly should be aware.]

4 Section 46. This act shall take effect in 60 days.